

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BARBARA SCHWARTZ, et al.,

Plaintiffs,  
v.

DAVID KUO, M.D., et al.,

Defendants.

Civil Action No.: 13-5227 (JLL)

**ORDER**


**THIS MATTER** comes before the Court by way of Defendants' motions to dismiss Plaintiff's complaint for failure to comply with the affidavit of merit statute [Docket Entry Nos. 61 and 66]. This Court had referred Defendants' motions to the Honorable Joseph A. Dickson, United States Magistrate Judge, pursuant to 28 U.S.C. § 636 (b)(1)(B). Magistrate Judge Dickson filed a Report and Recommendation in connection with said motions on April 8, 2014. In particular, Magistrate Judge Dickson recommended that Defendants' motions be denied without prejudice as premature. To date, the Court has received no objections with respect to Magistrate Judge Dickson's April 8, 2014 Report and Recommendation, and for good cause shown,

**IT IS** on this 23<sup>rd</sup> day of April, 2014,

**ORDERED** that the Report and Recommendation of Magistrate Judge Dickson, filed on April 8, 2014 [Docket Entry No. 69], is hereby **ADOPTED** as the findings of fact and conclusions of law of this Court; and it is further

**ORDERED** that Defendants' motions to dismiss Plaintiff's complaint for failure to comply with the affidavit of merit statute [Docket Entry Nos. 61 and 66] are **denied without prejudice** as premature.

**IT IS SO ORDERED.**

  
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Jose L. Linares  
United States District Judge